

July 11, 2002

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Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

DOCKET FILE COPY ORIGINAL

Re: CC Docket Nos 96-45 and 97-21
Appeal - Request for Waiver
Be'er Hagolah Institutes - Billed Entity #198310
E-rate 471 Application Numbers # 329490 and #329137
Contact: Shaindy Silber,
B: 718 642 6800. F: 718 642 4740,
E-mail Beerhagolah@hotmail.com

Dear Sirs:

We are hereby filing a request for a waiver of the SLD's decision not to fund us for Year 5. For the past four years we have participated in the E-rate, receiving funding as a 90% school since the students in our school are all immigrants whose parents live near or on the poverty level.

Our problems began when filing the applications for Year 5. When we filed, we were not aware that the Block 4 forms were left out of the two application packages, due to a clerical error

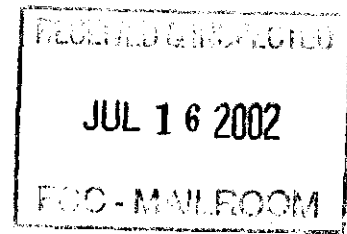
The error was not discovered by us until the applications were returned (February 26 and March 5, after the deadline) by the SLD (copies enclosed #1). We immediately returned the applications including the missing Block 4.

On April 16, we sent a letter of appeal (copy enclosed #2) to the SLD, explaining the circumstances of the missing Block 4. The SLD denied our appeal (June 7 and 28, copies enclosed #3) stating that our applications failed to meet the "minimum processing standards."

During the course of the past four years, we were able to introduce our students to the world of technology through the use of the internet due to the funding we receive from the SLD. In most cases the school's computers are the only opportunity these children have to learn, to explore and to prepare themselves for this critical knowledge.

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Page 2
July 11, 2002

FCC

Request for Waiver

We operate on a very tight budget and the loss of the E-rate will curtail our students' abilities to do the homework their teachers assign, (which require the use of the internet). Our parents expect the highest level of technology for their children and more important, the children expect the continuation of services that they have had in the past. The internet has given our students the ability to communicate nationally and internationally. This is critical for the special population we serve, who need to broaden their knowledge and learn what America has to offer.

Of course, our teachers too have benefitted from the internet. The internet has enhanced their lesson planning, curriculum development, staff training and networking with teachers in other schools.

We recognize that the strict interpretation of the law disqualifies us due to the fact that Block 4 was missing.

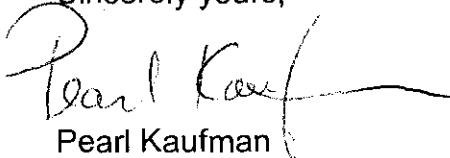
But we hope and pray that the FCC will recognize our critical needs. Our school is a not-for-profit school that serves these children from the poorest homes year in and year out (the same child enrolls in Pre-K and continues thru 12th grade). We are proud of the role we play in serving this special population. We have been commended by the Governor and the Mayor of the State of New York for our special programming.


We would greatly appreciate your help in this matter. Please do not let this one time clerical error affect our students' abilities to benefit from internet service we have offered them in the past. These are children whose parents came to the United States leaving everything behind to assure that their children have a brighter future. They deserve the chance. We are distraught that a simple mistake on our part would deny them that chance.

We hope that you can help us.

Thank you.

Sincerely yours,


Pearl Kaufman
Director

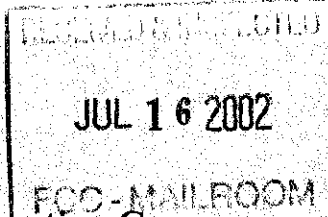

Lillian German
Principal



#1



Universal Service Administrative Company
Schools & Libraries Division



Fund Year 5 FORM 471-REJECTION LETTER

March 5, 2002

**SHAINDY SILBER
BE'ER HAGOLAH INSTITUTE
671 LOUISIANA AVENUE
BROOKLYN, NY 11239**

**Re: Applicant's Form Identifier: 471/5A
 Form 471 Application Number: 329137**

Dear **SHAINDY SILBER:**

This letter is your notification that the entire FCC Form 471, *Services Ordered and Certification Form*, you submitted did not meet Minimum Processing Standards and cannot be processed. *Your Form 471 is enclosed with this letter, which means that the Schools and Libraries Division (SLD) could not process any portion of it.* Here is an explanation of the specific reason(s) your Form 471 did not meet the Minimum Processing Standards:

- The FCC Form 471 submitted did not include all pages, Blocks 1-6.

TO APPEAL A DECISION OF THE SCHOOLS AND LIBRARIES DIVISION:

If you wish to appeal a decision of the Schools and Libraries Division (SLD), you may do so by writing a letter of appeal to the SLD or by writing a letter of appeal to the Federal Communications Commission (FCC). The SLD or FCC must receive your appeal within 60 days of the date of the SLD decision you are appealing. This means that your appeal must be RECEIVED by the SLD or FCC no later than 60 days after the date of the SLD decision. Failure to meet this requirement will result in automatic dismissal of your appeal.

While you may write directly to the FCC without first presenting your appeal to the SLD, you are encouraged to write first to the SLD so that the SLD has an opportunity to review your appeal and grant it, if appropriate. If you disagree with the SLD's response to your appeal, you may then file an appeal with the FCC. However, the FCC overturns SLD decisions infrequently.

If your appeal was due on or before September 10, 2001, see the SLD web site www.sl.universalservice.org for more information on appeal deadlines and procedures for filing appeals.

In your letter of appeal:

1. **Provide your contact information.** Please list the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal.
2. **Identify which SLD decision you are appealing.** Cite the "letter type," usually included and featured on the first page of the letter; the relevant Funding Year; and the date of the letter. You must include

the applicant name; the Application Number, if applicable; and your Entity Number. State outright that your letter is an "appeal."

3. **Identify the particular Funding Request Number, whenever applicable, that is the subject of your appeal.** If your application was wholly rejected on grounds related to the entire application (e.g., that you represent ineligible entities), you need not refer to any Funding Request Numbers in your letter of appeal.
4. **Explain your appeal.** When explaining your appeal, include the precise language or text from the SLD decision that is at the heart of your appeal. By pointing to the exact words that give rise to your appeal, the reviewer will be able to more readily understand and respond appropriately to your appeal. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
5. **Provide an authorized signature on your letter of appeal.**

If you are submitting your appeal to the SLD, please send it to: Letter of Appeal, Schools and Libraries Division, Box 125 – Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Other options for filing an appeal with the SLD can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site <www.sl.universalservice.org>.

If you are submitting your appeal to the FCC via United States Postal Services, send it to: Federal Communications Commission, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Services, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal.

Further information and other options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site <www.sl.universalservice.org> or by contacting the SLD Client Service Bureau at 1-888-203-8100.

Schools and Libraries Division

Universal Service Administrative Company

Enclosure:

(1) Form 471

#1



Universal Service Administrative Company
Schools & Libraries Division

JUL 16 2002

FCC-MAILROOM

Fund Year 5 FORM 471-REJECTION LETTER

February 26, 2002

**SHAINDY SILBER
BE'ER HAGOLAH INSTITUTE
671 LOUISIANA AVENUE
BROOKLYN, NY 11239**

**Re: Applicant's Form Identifier: 471/5B
 Form 471 Application Number: 329490**

Dear **SHAINDY SILBER:**

This letter is your notification that the entire FCC Form 471, *Services Ordered and Certification Form*, you submitted did not meet Minimum Processing Standards and cannot be processed. *Your Form 471 is enclosed with this letter, which means that the Schools and Libraries Division (SLD) could not process any portion of it.* Here is an explanation of the specific reason(s) your Form 471 did not meet the Minimum Processing Standards:

- **The FCC Form 471 submitted does not include at least one complete Block 4 Worksheet relevant to the "Type of Application" as selected in Block 1, Item 5.**

TO APPEAL A DECISION OF THE SCHOOLS AND LIBRARIES DIVISION:

If you wish to appeal a decision of the Schools and Libraries Division (SLD), you may do so by writing a letter of appeal to the SLD or by writing a letter of appeal to the Federal Communications Commission (FCC). The SLD or FCC must receive your appeal within 60 days of the date of the SLD decision you are appealing. This means that your appeal must be RECEIVED by the SLD or FCC no later than 60 days after the date of the SLD decision. Failure to meet this requirement will result in automatic dismissal of your appeal.

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If your appeal was due on or before September 10, 2001, see the SLD web site www.sl.universalservice.org for more information on appeal deadlines and procedures for filing appeals.

In your letter of appeal:

1. **Provide your contact information.** Please list the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal.

2. **Identify which SLD decision you are appealing.** Cite the "letter type," usually included and featured on the first page of the letter; the relevant Funding Year; and the date of the letter. You must include the applicant name; the Application Number, if applicable; and your Entity Number. State outright that your letter is an "appeal."
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4. **Explain your appeal.** When explaining your appeal, include the precise language or text from the SLD decision that is at the heart of your appeal. By pointing to the exact words that give rise to your appeal, the reviewer will be able to more readily understand and respond appropriately to your appeal. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
5. **Provide an authorized signature on your letter of appeal.**

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Further information and other options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site <www.sl.universalservice.org> or by contacting the SLD Client Service Bureau at 1-888-203-8100.

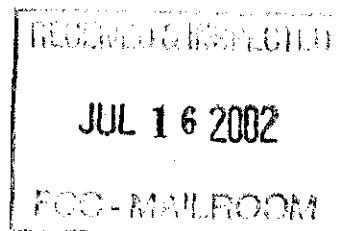
Schools and Libraries Division

Universal Service Administrative Company

Enclosure:

(1) Form 471

#2



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Chairman

Rabbi Shneur Kotler
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Pearl Kaufman
Director

April 16, 2002

APPEAL

Letter of Appeal
School and Libraries Division
Box 125 Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Name of contact: Shaindy Silber, at above address, fax 718 642-4740
e-mail address: beerhagolah@hotmail.com.

Re: Entity # 198310, Year 5 SLD form 471/5a and form 471/5b

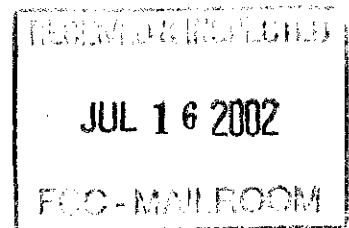
Dear Sir:

We are a school whose student population falls into the 90% category. We have received funding from the SLD based on this 90% category every year for the past four years. Our student enrollment stays the same each year (with a few drop-outs and some new enrollment).

It was not our intention to file Year 5 without completing Block 4. It was a simple clerical error. We subsequently did send in the completed block, as we have done in the past four years. We are appealing and asking that the SLD treat the omission of Block 4 as a **problem resolution issue** and that **471/5a and 471/5b be data entered for review** and be considered to have been **submitted within the filing window of January 17, 2002 as was the original filing.**

Some background information:

As required by the SLD for the funding Year 5, we filed form 471 before the window closed on January 17, 2002. Unfortunately, due to a simple clerical error we omitted Block 4, worksheet A. The SLD returned the entire 471 package with notification letters dated February 26th and March 5th respectively. Upon receipt of the 471, we called the client help line and spoke to a representative (Keith) to ask for guidance. We were told to send the 471 back including the missing Block 4. But we were also informed that we could not file an appeal at the same time, but would have to wait for another notification



Page 2, Letter of Appeal

April 16, 2002

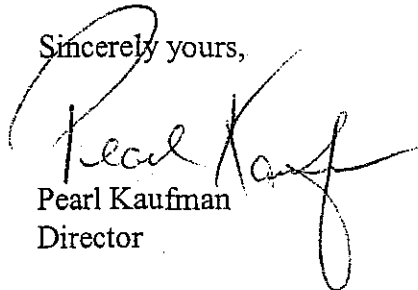
letter. We sent everything back immediately (as per enclosed copies).


Upon receipt of the SLD "notification postcard" we called the SLD again and spoke to a manager (Laura Taylor). She informed us that we could have filed a letter of appeal immediately. Apparently, we were misinformed about having to wait.

As you can see from our application, we are not applying for a large amount of money. We operate on a very tight budget and the loss of this grant will severely affect the education of our poor immigrant student body and the operation of the school.

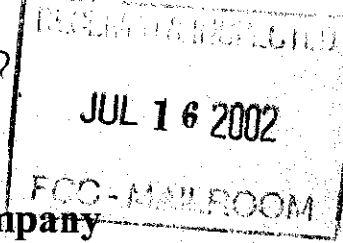
Thank you.

Sincerely yours,


Pearl Kaufman
Director


Lillian German
Principal

#3

*incomplete**pending-?*

Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2002-2003

June 7, 2002

Pearl Kaufman
Be'er Hagolah Institute
671 Louisiana Avenue
Brooklyn, NY 11239

Re: Billed Entity Number: 198310
471 Application Number: 329490
Funding Request Number(s): 888843, 888844
Your Correspondence Dated: April 16, 2002

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Five Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: *EL Tech Monarch* 888843, 888844
Decision on Appeal: **Denied in full**
Explanation:

- Your appeal letter stated that it was not your intention to file the Year 5 application without completing Block 4. It was a simple clerical error. You subsequently did send in the completed block, as you have done in the past four years. You are appealing and asking that the SLD treat the omission of Block 4 as a problem resolution issue and that 471/5a and 471/5b be data entered for review and be considered to have been submitted within the filing window of January 17, 2002.
- The original submission of this application was missing data in Block 4 Worksheet, which caused the form to be rejected for failing to meet the minimum processing standards. Forms that do not meet the minimum processing standards are not considered for funding. Program rules do not allow SLD to treat the omission of Block 4 as a Problem Resolution issue. Since the completed block was received after

the deadline of the filing window, it will not be taken into consideration. The appeal has not shown that the request was improperly denied. Consequently, this funding request will not be data entered and the appeal is denied.

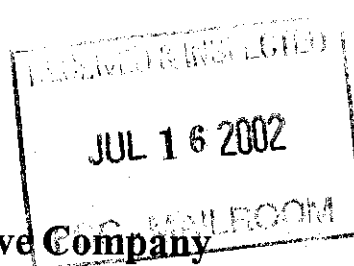
If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, www.sl.universalservice.org.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Universal Service Administrative Company
Schools & Libraries Division



Administrator's Decision on Appeal - Funding Year 2002-2003

June 28, 2002

Pearl Kaufman
Be'er Hagolah Institute
671 Louisiana Avenue
Brooklyn, NY 11239

Re: Billed Entity Number: 198310
471 Application Number: 329137
Funding Request Number(s): 887589,887590,889591,887592,887593,887594
887595
Your Correspondence Dated: April 16, 2002

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Five Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 887589,887590,889591,887592,887593,887594
887595

Decision on Appeal: **Denied in full**
Explanation:

- Your appeal letter stated that it was not your intention to file the Year 5 application without completing Block 4. It was a simple clerical error. You subsequently did send in the completed block, as you have done in the past four years. You are appealing and asking that the SLD treat the omission of Block 4 as a problem resolution issue and that 471/5a and 471/5b be data entered for review and be considered to have been submitted within the filing window of January 17, 2002.
- The original submission of this application was missing data in Block 4 Worksheet, which caused the form to be rejected for failing to meet the minimum processing standards. Forms that do not meet the minimum processing standards are not

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If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, www.sl.universalservice.org.

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Schools and Libraries Division
Universal Service Administrative Company